



PATENT
Customer No. 22,852
Attorney Docket No. 02356.0076-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
 Pierre CHARNEAU et al.)
) Group Art Unit: 1648
 Serial No.: 10/026,741)
) Examiner: Timothy M. Brown
 Filed: December 27, 2001)
) Confirmation No.: 2062
 For: NUCLEOTIDE SEQUENCES OF)
 HIV-1 TYPE (OR SUBTYPE) O)
 RETROVIRUS ANTIGENS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, Institut Pasteur, duly organized under the laws of France and having its principal place of business 28, rue du Docteur Roux, 75724 Paris, Cedex 15, FRANCE, represents that it is the assignee of the entire right, title and interest in and to the above-identified Application No. 10/026,741, filed December 27, 2001, for NUCLEOTIDE SEQUENCES OF HIV-1 TYPE (OR SUBTYPE) O RETROVIRUS ANTIGENS in the names of Pierre CHARNEAU et al., as indicated by an assignment duly recorded in the United States Patent and Trademark Office at Reel 008597, Frame 0859 on July 11, 1997, a copy of which is attached hereto.

04/06/2006 HALI11 00000082 10026741

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Assignee, Institut Pasteur, further represents that it is the assignee of the entire right, title and interest in and to U.S. Patent No. 6,399,294, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 008597, Frame 0859 on July 11, 1997, a copy of which is attached.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior patent No. 6,399,294. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is authorized to act on behalf of Assignee Institut Pasteur.

I hereby declare that all statements made of my own knowledge and belief are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By: 

Name: François Gendre
Title: Executive Vice President
Business Development
Assignee: Institut Pasteur

Dated: 22-02-2006